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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/083,601	05/22/1998	CHRISTOPH E. SCHEURICH	INTL0045USP5	4253

7590

05/21/2002

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EXAMINER

AN, SHAWN S

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/083,601

Applicant(s)

Christoph E. Scheurich et al.

Examiner

Shawn An

Art Unit

2613



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Apr 16, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 2613

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. The request filed on 4/16/02 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/083,601 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Response to Preliminary Amendment***

2. As per Applicant's instruction in Paper 13 as filed on 4/16/02, claims 25-38 have been newly added and claims 1-18 have been canceled.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thro et al (6,037,991).

Thro et al disclose a computer system, an article comprising a computer medium comprising instructions, a method for communicating, comprising:  
a communication link (Fig. 1); a camera (116) to communicate image data to the communication link; and a computer (101) to receive a request for a first pixel resolution; a readable storage medium including instructions (205) that cause a processor to determine whether it is possible to

Art Unit: 2613

communicate first data of an image having the first pixel resolution at a requested frame rate (Col. 3, lines 66-67 and Col. 4, lines 1-3); and if not possible, adjust the first pixel resolution and communicate second data of the image having the second pixel resolution over the communication link at the requested frame rate (Col. 4, lines 3-67) as specified in claims 19-21, 23, 25-27, 30-31, 33, 35, and 38. Even though Thro et al do not specifically disclose decreasing resolution, Thro teaches that higher the transmission frame rate, the lower the image quality (resolution) (col. 4, lines 16-20). Therefore, it is considered inherently obvious to decrease the pixel resolution, so as to prioritize the transmission frame rate by increasing, in order to transmit more image updates per second.

Regarding claims 24, 29, 34, and 37, Even though Thro et al do not specifically disclose testing for available packet size, it is well known in the art to utilize a certain packet size within a specified bandwidth in order to prevent an overflow.


Regarding claims 22, 28, 32, and 36, Thro et al disclose determining an available/usable bandwidth periodically for transmission (Col. 4, lines 5-23) as specified.

### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number is (703) 305-0099.

  
SSA

May 15, 2002

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
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